

# Exhibit 188

*United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp. et al.*

Civil Action No. 07-10248-PBS

Exhibit to the September 22, 2009, Supplemental Declaration of James J. Fauci  
In Support of Plaintiff's Motion for Partial Summary Judgment and  
In Opposition to the Roxane Defendants' Motion For Partial Summary Judgment

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL ) MDL No. 1456  
INDUSTRY AVERAGE WHOLESALE ) Civil Action No.  
PRICE LITIGATION ) 01-12257-PBS  
\_\_\_\_\_)  
THIS DOCUMENT RELATES TO: )  
United States of America, )  
et al. v. Ven-a-Care of the )  
Florida Keys, Inc. v. )  
Boehringer Ingelheim Corp., )  
et al., CIVIL ACTION NO. )  
07-10248-PBS )

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Videotaped deposition of ROBERT C.  
SYKORA, taken pursuant to the stipulations  
agreed to herein, before Suzanne Beasley,  
Registered Professional Reporter and Notary  
Public, at 1031 Virginia Avenue, Atlanta,  
Georgia, on the 4th day of December, 2008,  
commencing at the hour of 10:38 a.m.

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1 A. It does.

2 Q. Are you familiar with that publication?

3 A. I have heard of that publication, yes.

4 Q. All right. And the subject of this  
5 article appears to be Mylan settling a dispute  
6 with the Federal Trade Commission, correct?

7 A. Correct.

8 Q. Is this the episode you're remembering?

9 A. I believe it is.

10 Q. And you'll agree that the only two  
11 drugs that are named as a part of this settlement  
12 by Mylan were lorazepam and clorazepate, correct?

13 A. As stated here, yes.

14 Q. Can you think of any reason why any  
15 alleged illegal monopoly by Mylan on lorazepam  
16 and clorazepate would cause there to be  
17 sensitivities about raising AWP?

18 A. No.

19 Q. All right. So back to Exhibit 004, Mr.  
20 Sykora, other than some type of Mylan monopoly  
21 problem, do you have any understanding of how AWP  
22 changes were being scrutinized?